IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 9895 of 2007(C)

PETITIONER:

N.K.VISWANATHAN NAIR,
NADUVILAKANDIYIL, ARATHI,
P.O.KUNNATHARA, KOZHIKODE DISTRICT,
MANAGER, A.U.P.SCHOOL, MODAKKALLUR.

BY ADV. SRI.KRB.KAIMAL (SR.)
SRI.ANIL K.NAIR
SRI.B.UNNIKRISHNA KAIMAL
SRI.PRAMJI PAUL VAZHAPPILLY
SRI.V.MADHUSUDHANAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA, GENERAL EDUCATION(L) DEPARTMENT, SECRETARIAT, THIRUVANANTHPURAM.

2. THE ASSISTANT EDUCATIONAL OFFICER, KOYILANDY, KOZHIKODE DISTRICT.

3. K.T.SASIDHARAN, LAKSHMI BHAVAN, P.O.MODAKKALLUR, KOZHIKODE DISTRICT.

4. P.SNINEESH, L.G.HINDI TEACHER, MODAKKALLUR A.U.P.SCHOOL, MODAKKALLUR, KOZHIKODE DISTRICT.

BY GOVERNMENT PLEADER SRI.T.MAHMOOD
ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.K.MOHANAKANNAN
SRI.ABRAHAM MATHEW (VETTOOR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE ORDER NO.K.DIS.11085/94 DATED 23.12.1994 OF THE 2ND RESPONDENT.

EXT.P2: COPY OF THE APPLICATION DATED 25.5.2002 SUBMITTED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P3: COPY OF THE LETTER DATED 18.2.2003 OF THE VILLAGE OFFICER ATHOLI TO THE PETITIONER.

EXT.P4: COPY OF THE ORDER NO.M/1/2002 DATED, 17.6.2002 ISSUED BY THE PETITIONER.

EXT.P5: COPY OF THE PETITION DATED 10.6.2002 FILED BY THE 3RD RESPONDENT BEFORE THE 2ND RESPONDENT.

EXT.P6: COPY OF EXT.P4 APPLICATION DATED 2.5.90 PRODUCED BY THE 3RD RESPONDENT IN O.P.NO.19772/2002.

EXT.P7: COPY OF EXT.P5 REPLY DATED 4.6.1990 PRODUCED BY THE 3RD RESPONDENT IN O.P.No.19722/2002.

EXT.P8: COPY OF EXT.P5(a) APPLICATION DATED, 16.5.1997 PRODUCED BY THE 3RD RESPONDENT IN O.P.NO.19722/2002.

EXT.P9: COPY OF THE ORDER NO.K.DIS.C.2974/02 DATED, 23.9.2002 ISSUED BY THE 2ND RESPONDENT.

EXT.P10: COPY OF THE REVISION PETITION DATED, 11.10.2002 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P11: COPY OF THE ORDER G.O.(Rt)No.923/2005/G.Edn. DATED 3.3.2005 ISSUED BY THE 1ST RESPONDENT.

EXT.P12: COPY OF THE COMMON JUDGMENT OF THIS HON'BLE COURT IN W.P.No,9089/2005 & CONNECTED CASES DATED 20.12.2005.

EXT.P13: COPY OF THE ORDER G.O.(RT)NO.424/2007/G.EDN DATED 30.1.2007 ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R3(a): COPY OF THE COUNTER AFFIDAVIT FILED BY THE 3RD RESPONDENT IN W.P.(C).No.7413/07 DTD.13.3.2007 WITH ALL EXHIBITS.

EXT.R3(b): COPY OF ORDER NO.B2-2773/07 DT.13.3.07 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE.

EXT.R3(c): COPY OF THE ORDER No.C 26/2006 DATED 14.5.2007 ISSUED BY THE 2ND RESPONDENT.

EXT.R4(a): COPY OF THE APPLICATION PREFERRED BY THE PETITIONER BEFORE THE MANAGER OF THE SCHOOL ON 2.5.1990.

EXT.R4(b): COPY OF THE LETTER ISSUED BY THE MANAGER ON 4.6.1990 TO THE PETITIONER.

EXT.R4(c): COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE MANAGER OF THE SCHOOL ON 16.5.1997.

EXT.R4(d): COPY OF THE APPLICATION SUBMITTED BY THIS RESPONDENT ON 25.5.2002 BEFORE THE MANAGER OF THE SCHOOL.

EXT.R4(e): COPY OF THE JUDGMENT IN O.P.No.19722/2002 DATED 17.07.2002 OF THIS HON'BLE COURT.

EXT.R4(f): COPY OF THE ORDER NO.K.DIS.2974/2002 DATED 23.9.2002 ISSUED BY A.E.O.

EXT.R4(g): COPY OF THE INCOME CERTIFICATE ISSUED BY THE VILLAGE OFFICER DATED 21.5.2002.

EXT.R4(h): COPY OF THE INCOME CERTIFICATE ISSUED BY THE VILLAGE OFFICER ON 11.7.2003.

EXT.R4(i): COPY OF THE INCOME LEGAL HEIR CERTIFICATE ISSUED BY THE TAHSILDAR, KOYILANDI ON 10.05.2002.

EXT.R4(j): COPY OF THEAFFIDAVIT FILED BY THE THEN MANAGER BEFORE THE GOVERNMENT ON 1.4.2006.

EXT.R4(k): COPY OF THE ARGUMENT NOTE SUBMITTED BY THIS RESPONDENT BEFORE THE GOVERNMENT ON 16.09.2006.

EXT.R4(l): COPY OF THE CIRCULAR G.O(P) No.12/99/P&ARD DATED 4.5.2002.

EXT.R4(m): COPY OF THE JUDGMENT IN W.P.(C).No.25380/2002 DATED 19.12.2006 OF THIS HON'BLE COURT.

EXT.R4(n): COPY OF THE REPRESENTATION SUBMITTED BY THE PETIITONER BEFORE THE MANAGER OF THE SCHOOL ON 28.2.2007.

TRUE COPY

P.A.TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.9895 of 2007

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Dated this the 30th day of October, 2007

JUDGMENT

This writ petition is filed by one Sri.N.K.Viswanathan Nair claiming to be the manager of Modakkallur A.U.P School in Quilandy Educational Sub District. One P. Madhavan Nair has filed I.A.No.13412/2007 seeking himself to be impleaded as respondent in this writ petition on the ground that he is actually the manager of the School and not Sri.Viswanathan Nair. He produced Annexure-A order, by which the Assistant Educational Officer has held that Sri.N.K.Viswanathan Nair, who is continuing as the Manager of the School is removed from the Managership of the School with effect from 13.03.2007 and is replaced by Sri.P.Madhavan Nair. This writ petition was filed on 21.03.2007 after Annexure-A order has been passed. Therefore, Sri.N.K.Viswanathan Nair could not have filed this writ petition claiming himself to be the manager of the school, since, the same is only in respect of the school of which he claims to be the manager and not in his individual capacity. In fact the counsel appearing for Sri.N.K.Viswanathan Nair also

submits that since Viswanathan Nair is no longer in the Manager of the School he does not propose to appear for him.

Accordingly the writ petition is dismissed as not maintainable.

S.SIRI JAGAN, JUDGE

dvs